

1 THE HONORABLE MARSHA J. PECHMAN  
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6 U.S. DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON

8 BRUCE RUNYAN, ROBERT SAMPSON, and  
9 JONN CALEB GOSS on behalf of themselves  
and on behalf of all others similarly situated,  
and on behalf of the MTC Transportation  
401(k) Plan,

10 NO. 2:18-cv-00915 MJP

11 **STIPULATED MOTION AND ORDER TO  
EXTEND EXPERT DEADLINES**

12 Plaintiffs,

13 v.

14 MARK CLEMONS d/b/a MTC  
TRANSPORTATION, a sole proprietorship, HI  
PRO INC., a California corporation, and MARK  
15 CLEMONS individually and/or the marital  
community composed of MARK CLEMONS and  
16 JANE DOE CLEMONS,

17 Defendants.

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21 **I. STIPULATION**

22 The parties hereby stipulate and request the Court issue an Order extending the  
23 export report and rebuttal expert report deadlines, as well as the discovery deadline as it  
24 relates to depositions of experts only. As set forth more fully below, the parties have been  
25 working diligently in discovery, but are still working to obtain data from a third-party for  
26 purposes of completing expert reports.

1       1.     The plaintiffs in this matter challenge defendants' employment practices under  
2 Washington's wage and hour laws, and defendants have answered.

3       2.     The parties have engaged in significant discovery. Plaintiffs have propounded  
4 one set of discovery requests on each of the defendants, which have been answered.  
5 Defendants have likewise propounded discovery requests on plaintiffs, to which plaintiffs  
6 have responded. In addition, plaintiffs have conducted two Fed. R. Civ. P. 30(b)(6) depositions  
7 and taken the individual deposition of defendant Mark Clemons. Defendants have also  
8 deposed each of the plaintiffs.

9       3.     During the course of discovery, the parties also worked to establish a protocol  
10 for defendants to use a technology assisted review for production of defendants'  
11 electronically stored information. To date, defendants have produced more than 250,000  
12 pages of documents, including hundreds of spreadsheets containing the daily hours worked  
13 by proposed class members during the class period. Those spreadsheets, however, do not  
14 have the rates of pay for proposed class members, which is necessary to calculate damages.

15       4.     Defendants provided the data available to them pertaining to the rates of pay,  
16 dates of payment, and pay received by proposed class members. However, the data produced  
17 by defendants is not in a format that experts can readily sort and pair with the data regarding  
18 hours worked by proposed class members. Defendants attempted to locate the payroll data in  
19 a more usable format and attempted to work with their payroll vendor to obtain that data  
20 but were unable to do so. Plaintiffs have therefore subpoenaed defendants' payroll vendor to  
21 obtain more usable data.

22       5.     The parties have diligently sought to obtain the necessary data to prepare  
23 expert reports. Given the volume of data and the fact that defendants have been unable to  
24 locate the necessary data in a readily-usable format, however, the parties need additional  
25 time to obtain the data.

1       6.     The parties are unable to finalize their expert reports without the missing pay  
2 data from defendants' payroll vendor. The parties are also therefore unable to complete  
3 depositions of experts without completed reports.

4       7.     The parties' request to extend the deadlines to exchange expert reports and  
5 rebuttal expert reports, and to allow additional time past the discovery cutoff to complete  
6 depositions relating to expert reports will not impact any other deadlines in the case.

7       8.     Thus, good cause exists to extend the following deadlines:

Event	Current Deadline	Requested Extension
Exchange of expert witness reports	10/15/2019	12/17/2019
Rebuttal expert reports	None	1/10/2020
Discovery cut-off	12/13/2019	1/24/2020 – For depositions relating to expert reports only

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16 STIPULATED TO AND DATED this 8th day of October, 2019.  
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10           *Attorneys for plaintiffs*

### **III. ORDER**

Pursuant to the stipulation of the parties, it is hereby ORDERED that the expert deadlines are extended as follows:

Event	Current Deadline	Requested Extension
Exchange of expert witness reports	10/15/2019	12/17/2019
Rebuttal expert reports	None	1/10/2020
Discovery cut-off	12/13/2019	1/24/2020 – For depositions relating to expert reports only

IT IS SO ORDERED.

DATED this 8th day of October, 2019.

  
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Marsha J. Pechman  
United States District Judge

## **CERTIFICATE OF SERVICE**

I, Erika L. Nusser, hereby certify that on October 8, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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1  
2 DATED this 8th day of October, 2019.  
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